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January 9, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband
Access, Educational and Other Advanced Services in the 2150-2162 and 2500-
2690 MHz Bands

Dear Ms. Dortch:

Yesterday, Edwin N. Lavergne, counsel to the Catholic Television Network ("CTN"), Leslie Harris and Steve Heuer, counsel to the Education Community ("EC"), and Kenneth D. Salomon and the undersigned, counsel to the National ITFS Association ("NIA"), met with Sheryl J. Wilkerson, Legal Advisor in the Office of Chairman Michael K. Powell, and Uzoma C. Onyeije, Legal Advisor in the Office of the Chief of the Wireless Telecommunications Bureau, regarding the referenced proceeding.

In particular, the participants discussed the question whether eligibility rules for holding Instructional Television Fixed Service ("ITFS") licenses should be modified so as to permit ITFS licenses to be held by for-profit entities. Currently, the rules require ITFS licensees to be accredited schools or other governmental or non-profit entities that provide services to accredited schools.

CTN, EC and NIA expressed their view that current eligibility rules for ITFS need to be retained. They reiterated the points made in their comments and reply comments filed in this proceeding. Copies of those comments and reply comments were provided to Ms. Wilkerson.

CTN, EC and NIA also stated that possible "middle ground" positions on ITFS eligibility, such as open eligibility subject to educational set-asides, or open eligibility applicable to only certain portions of the ITFS band, are unacceptable to the ITFS and educational

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community in the United States, and would not be in the interest of education or the public generally.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are submitting this summary of the CTN/EC/NIA presentation by filing an electronic copy of this letter in the public record of the proceeding.

Should any questions arise concerning this matter, kindly contact undersigned counsel for the National ITFS Association.

Respectfully submitted,

/s/ Todd D. Gray

Todd D. Gray

cc by email: Sheryl J. Wilkerson
Uzoma C. Onyeije